

OCTOBER 24, 1990 MEETING AGENDA ON THE BNL MATTER

Background on House Banking Subpoena Motion

Agency Descriptions of Relevant Documents

Department of Agriculture

Department of Commerce

Treasury Department

Federal Reserve

U.S. Export-Import Bank

Draft Procedures For Processing Document Requests

Basis of Claims of Executive Privilege

Draft Guidance to House Banking Committee for Bipartisan Agreement on Procedures

Department of Justice Points of Contact:

Office of Legislative Affairs: Tom Reinhardt 514-2141

Criminal Division:

Deputy Assistant AG: Paul Maloney 514-2636

Chief, Fraud Section: Larry Urgenson 514-0640

Office of Legal Counsel: Paul Colborn 514-2048

Motion for Subpoena Authority

Under the jurisdiction assigned to the Committee under Rule X of the Rules of the House, I move that the Committee authorize the Chair, if a written request by the Chairman to the listed entities fails to produce the requested documents, to issue subpoenas pursuant to Rule 5 of the Committee Rules for the purpose of providing all documents, records and correspondence relevant and pertinent to the Committee's investigation of the operation, supervision, and examination of Banca Nazionale del Lavoro (BNL):

Subpoena of BNL-related documents, records and correspondence from the following entities:

Banca Nazionale del Lavoro and all its U.S. affiliates;
State of Georgia Department of Banking and Finance;
Board of Governors of the Federal Reserve System;
Federal Reserve Banks of Atlanta, Los Angeles, New York and Chicago;
Matrix-Churchill, Corp., and all its U.S. affiliates;
Department of Commerce, Bureau of Export Administration;
Department of Treasury, U.S. Customs Service;
U.S. Export-Import Bank
U.S. Department of Agriculture, Foreign Agricultural Service

All documents received by the Committee pursuant to either the letter requests or subpoenas shall be held in confidence by the Committee pending the advice of the Justice Department. The Justice Department will be asked to advise the Committee of the impact on their efforts that would be caused by the public release of the documents or their contents.

DRAFT

PROCEDURES FOR PROCESSING DOCUMENTS ON THE BNL MATTER

Letter Requests For Documents From Chairman Gonzalez

- o Committee provides an information copy of all requests to DOJ.
- o Committee letter requests will be as specific as possible to assist in identifying documents responsive to the requests.
- o Committee letter will identify pertinence of documents to Committee's investigative interests.

Agency Responses To Letter Requests

- o Agencies provide DOJ with an index of documents responsive to request. Index should identify documents that may be subject to a claim of privilege. Specify basis of claim for each such document.
- o DOJ reviews indices and documents as appropriate for possible privilege claim or other objection.
- o DOJ will advise agencies on asserting privilege or otherwise objecting to production of documents.
- o Agency will coordinate its response with DOJ (including DOJ review of draft letter to Committee), because DOJ will prepare separate letter to Committee advising Committee of concerns relative to the withholding and confidentiality of documents. Agency will not submit its response to Committee until DOJ letter is ready.

Transmittal of Indices and Documents To Committee

- o Transmittal documents will include two copies of an index of documents forwarded to the Committee. One copy will be annotated to record receipt by the Committee of the listed documents.
- o Transmittal documents will include one copy of an index of documents responsive to the request but being withheld from the Committee. Agency will provide an explanation of basis for denial of each of these documents.
- o Only a single copy of the documents turned over will be provided.

o House Banking Committee staff members authorized to sign for receipt and access to the documents are:

Majority
Kelsay Meek
Barbara Timmer
Dennis Kane
Rick Murano

Minority
Tony Cole
John Heasley

Committee Subpoenas For Documents

o Under motion adopted by Committee, the Chairman does not have authority to issue a subpoena unless and until a letter request fails to produce the requested documents.

o Committee provides information copy of subpoena to DOJ.

o Agency receiving subpoena will immediately contact DOJ to discuss how to respond. If compliance with the subpoena would raise a substantial question of executive privilege, DOJ will contact the White House Counsel's Office.